

Minutes of the Public Hearings and Regular Town Board Meeting held by the LaFayette Town Board on September 27, 2004 at 6:30 p.m. in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette.

Present: Gregory Scammell, Supervisor
Sandra Smith, Councilwoman
David Knapp, Councilman
Thomas Bailey, Councilman
William McConnell, Councilman

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Karen Godsoe, Town Attorney
Kevin Bailey, LaFayette Rd.
Anne Smith, Historian
Marshall Taylor, Assessor/Clerk
Mary Doster, Assessor Chair.
Maureen Perrin, Town Justice
Malcolm Knapp, Town Justice
Tom Chartrand, Bookkeeper
Jim Nakas, Planning Board Chair.
Andy Peebles, Planning Board Member
Ralph Lamson, C.E.O.
Vince Maher, Resident
Duane Dix, Jamesville Fire District
Nelson Bishop, Jamesville Fire District
Ron Witty, Jamesville Fire District
Julee Johnson, Southern Hills Preservation
Bruce Freund, Sentinel Hgts. Rd.
John Aiken, Grievance Board of Review
Sue Snavlin, Dep. D.C.O.
Cheryl Jepson, Outreach

1. Supervisor Scammell called the public hearings and regular meeting to order at 6:30 p.m.
2. Roll taken at prior Special Budget Meeting. All present.
3. Pledge to U.S. Flag led by Kevin Bailey at Special Budget Meeting.
4. September 13, 2004, Regular Meeting Minutes approved at Special Meeting.

Supervisor Scammell said the first public hearing is for Local Law 3-2004 “A Local Law Providing for a Real Property Tax Exemption in Accordance with New York State Real Property Tax Law Section 459”.

Karen Godsoe said under NYS Law there are certain exemptions that local municipalities can approve. One of these pertains to the use of part of a home or any additions or improvements to a home as long as certain conditions are met.

Mary Doster would like to see this approved as we already have a part of this law regarding income for disabled people. This won't involve a lot of people.

Supervisor Scammell asked for any other comments from the public.

There were none.

Councilmen McConnell moved and Knapp seconded the motion to close the public hearing. Motion passed unanimously.

Supervisor Scammell opened the public hearing for Local Law 4-2004 “A Local Law Imposing a Surcharge pursuant to Vehicle and Traffic Law Section 1809-D in the Town of LaFayette”.

Karen Godsoe said the legislature passed an amendment to the Traffic Law regarding fines from certain designated tickets. Speeding ticket fines would now be going to New York States instead of to local municipalities. This law would allow the Town of LaFayette to apply a surcharge not exceeding \$10. This would automatically expire on September 1, 2005. This only applies to tickets already subject to state surcharges. This law just takes a portion of what the state just adopted and allows the municipality to adopt it for a 1-year period.

Supervisor Scammell asked for any comments or questions.

Ralph Lamson asked if they aren't going to repeal this law. He said even if the law is repealed, the Town could keep the surcharge for a year.

Supervisor Scammell said it is expected to be repealed in November.

Councilman McConnell asked if in fact the law is changed and there is a refund, who pays it? Is it the state or town?

Karen Godsoe said the refund wording is included in this because if the Justice Dept. charges a \$10 surcharge inaccurately, the person who paid it may come and ask for a refund. If the state repeals the law in November, it may repeal this law and if not it terminates September 1, 2005.

Supervisor Scammell asked for any other comments or questions regarding Local Law 4-2004. There were none.

Councilman Knapp moved and Councilwoman Smith seconded the motion to close the public hearing. Motion passed unanimously.

5. COMMUNICATIONS:

A. Residents.

Jim Nakas was wondering if the Town Board would be willing to examine the ordinance on the books that has come before the Planning Board a couple of times recently involving the length of a cul-de-sac. It currently reads no cul-de-sac may be longer than 800'. We currently have a number of cul-de-sac's in LaFayette that are longer than this. He's sure this provision was put in there as a safety issue. He would like to see it changed so each request for a cul-de-sac is examined on it's own merit and if each request is visited by the Highway Superintendent and the Fire Chief and they are happy with it, the whole safety issue goes away. If they aren't happy with it, the Planning Board would be happy to deny the application.

Andy Peebles said they have been having problems with this. A couple of applicant's have come in and have been made to change their plans to conform with this. One of the comments they always get back from the county is that they would like to see interior roads in the large developments. On the other hand, we have a law that says the depth can't be greater than 800'. He thinks alternatives to the cul-de-sac need to be reviewed.

Councilman McConnell asked if the cul-de-sac's that are greater than 800' had easements before this ordinance.

Jim Nakas isn't sure. They discussed the Summerridge application. All he is saying is there are a number of these things in the town. A lot of other towns around us don't have this provision. His recommendation would be that each one be based on it's own merit and visited by the Highway Superintendent and the L.F.D.

Supervisor Scammell asked for Costello, Cooney & Fearon to review this and give the Town Board some options.

Vince Maher was present to ask the Board's position on his request for a side-yard variance of his building next door before he goes to the Zoning Board of Appeals with his application. He would like to put an addition on the north side of the building next-door to the Town Offices.

Councilman Bailey asked how much the driveway would have to be moved.

Vince Maher said not at all.

Councilman McConnell asked why he has chosen to extend the building at this end.

Vince Maher said due to its use.

Councilwoman Smith asked why move to the north and not out back.

Vince Maher said they can't go out back. There's a septic tank there. All the drainage is back there too. He submitted a survey dated 9/27/04 and prepared by Wolff Garritano Architect. He is looking for the Board's blessing before he goes to the Zoning Board of Appeals. He is looking for about a 15' variance.

Bruce Freund advised last year he came to the Board regarding a noise ordinance. There were problems with how this could be enforced. Last week he spotted an article in the Neighbor's East section of the Post Standard. "Neighborhood Enforcement 3 Man Team". This team deals with quality of life issues such as noise, vandalism, trespassing, traffic and drug activity, as well as working with other town departments including town code enforcement. Capt. Bill Bleyle of the Manlius Police Dept. states "This seems to be a technique that accomplishes some of the things routine patrol can't do. It has a cascade effect through the agency. A major contribution has been the information the team has developed on neighborhood problems." He would suggest the Town of LaFayette along with surrounding towns such as Tully, Fabius, etc that don't have police departments like LaFayette, jointly request the Onondaga County Sheriff's Dept. to consider forming a Neighborhood Enforcement Team to deal with the quality of life issues on a part-time basis to start. If you read the whole article, you will see that perhaps this might be something the town would consider doing. If it involved other towns too, this might be something the Onondaga County Sheriff's Dept. would be interested in doing.

Supervisor Scammell said with the Board's approval, he will run this by Captain Bronstad. The Board was in agreement with this.

B. NYS Senator John DeFrancisco: Traffic fines monies.

"You no doubt are aware that in this year's final budget, despite objections made by me and many of my Senate colleagues, a provision was included that enables the State to collect funds from traffic fines that were previously kept by local governments. After session, a bill which I cosponsored was introduced that would reverse that decision, thereby allowing local governments to retain these much needed funds. Please be advised that the Senate and the Assembly will be taking up this bill and it is very likely to pass both houses by November. Although the Governor has not committed to signing it, it is my belief that he will do so..."

C. CNYRPDB: Rhea Eckel Clark Citizenship Award.

"...The Central New York Regional Planning and Development Board is proud to be seeking nominations for its 20th annual Rhea Eckel Clark Citizenship Award. This Award was established in 1985 in memory of the strong regional leadership exemplified by the Board's first Chairperson, Rhea Eckel Clark. This award acknowledges an individual or organization affecting positive change in the Central New York region in the following ways: enhancing the regional community despite often restrictive jurisdictional boundaries; promoting cooperation among citizens and local elected officials' and providing leadership for regional growth via strong local government representation. If you are familiar with an individual or organization that strengthens the regional community in any of these ways, please send a cover letter and narrative of the nominee's community contributions..."

D. Jamesville Fire District Board of Fire Commissioners Chairman Duane Dix: 2005 Budget requirements.

Supervisor Scammell said this was their letter advising they wish to renegotiate their contract with us.

E. Hearts Astray Dog Adoption Program: Stray dog adoptions.

"All stray dogs picked up by Dog Control in Tully, LaFayette, Fabius, Pompey and Otisco are taken to Lake Country Veterinary Clinic. Hearts Astray is the name given to our program that pays for the tests and treatments given to the strays before they are adopted. The dogs are tested for Parvo, Heartworm, Lyme Disease, etc. Any medication dispensed to treat the dogs are paid out of this fund (at a reduced cost) to the clinic. The Heartworm treatment can be quite costly ranging from fifty dollars to over one hundred dollars depending upon the size of the dog.

Contributions come from individuals as well as from cans placed at the Nice & Easy in Tully and LaFayette, the Pompey Mall, Tully Lumber and Lake Country Vet. Clinic. Our total contributions for

the year have amounted to \$2,894.53. The monies given for tests and treatments amounted to \$1,346.15 thus far. We are grateful for the generosity demonstrated by so many people...”

Sue Snavlin said \$684 was collected by the students at Tully.

Supervisor Scammell asked about how many animals go through this program a year.

Sue Snavlin said between 50 and 60.

Supervisor Scammell asked if it is just dogs.

Sue Snavlin said no, it's dogs and cats. She explained the spaying and neutering program out of Cortland. They take all the kittens and puppies Sue takes to them.

F. Onondaga County Department of Finance: Court order, small claim, exemption and special district change deadline.

“October 8, 2004 is the deadline for making court order, small claim, exemption, and special district changes. Also, all special districts must be created and/or updated by October 8...”

G. NYS Office of Real Property Services: Valuation date for assessments.

“We anticipate that upcoming legislation will change the valuation date for assessment rolls, beginning with the 2005 rolls. The valuation date is the date upon which all real property in a community is valued for the purpose of determining equitable assessments. Municipalities are not required to assess at 100% of market value, but all parcels in your municipality must be assessed at the same uniform percentage of market value. The change in valuation date applies to those municipalities that follow the standard assessment administration calendar...The new valuation date will be July 1 of the preceding calendar year, rather than January 1 of the current year...”

Marshall Taylor said this means no change to the Town of LaFayette at all. He is attending all the classes for the Version 4.

H. Syracuse Post-Standard, 9.17.04: August unemployment.

“With the notable exception of manufacturing, the Syracuse area's job markets improved in August. There were 2,700 more jobs in Cayuga, Madison, Onondaga and Oswego counties in August than there were in the same month last year, the state Department of Labor said. The increase represented a 0.8 percent gain in jobs. The entire gain came in the private sector. Government employment showed no change from the year before...”

I. Other.

6. SPECIAL REPORT. Julee Johnson – Southern Hills Preservation Corporation.

Julee Johnson advised they are a non-for-profit organization in Tully but service all southern Onondaga County. They have been around since 1986. They receive a good deal of funding from New York State and other sources. They ask for funding from the towns in the area. In the past they have received very nice contributions from the Town of LaFayette which she thanked the Board for. A lot of the low and moderate income people living in southern Onondaga County are home owners. They have programs to help these home owners fix up or repair their homes. They just started a mini repair program to help with smaller repairs. This was a great success. They also have a first-time home buyer program which was very successful. It's been more difficult this year because the price of houses has increased. They have been operating apartments for senior citizens and the disabled in Tully and in Marcellus. One of the things she wanted to do besides just thanking the Board is to see if there is an opportunity for some additional funding through the Town of LaFayette. She would also ask if there are housing needs the Board is aware of. They are always looking for community input.

Supervisor Scammell thanked Julee for the incredible asset she has been to the Town of LaFayette. His first experience working with Julee was to obtain funding for the Community Center. She helped obtain the funding for this project. She was a great help in finding assistance during the mudslide.

Julee Johnson said they are always looking to do more. There are 2 full-time staff and 3 part-time workers. They try to do what they can. Just keeping up with repairs for senior's and large families and single moms is difficult in itself.

Cheryl Jepson said as Director of LaFayette Outreach and on the Board at Southern Hills, she feels Julee is very helpful. There are a lot of senior's in the community whose furnace might go on the blink or septic won't work, etc. and Julee helps them.

Councilman Knapp thanked Cheryl Jepson for her help with Outreach too. It's a great program. Tom Chartrand said in the past the donation from the Town has been \$1,000.

7. **REPORTS.**

A. DEPARTMENTAL (4th Monday).

1) Building & Zoning Code Enforcement: Ralph Lamson & Jack Sutton.

Ralph Lamson said Building Permit's have slowed down a little over the last few weeks. He thinks a lot of this is due to the weather.

Supervisor Scammell asked about how many Building Permits a year are done.

Ralph Lamson said about 100. We are at 72 now.

Supervisor Scammell asked if this includes everything.

Ralph Lamson said yes. It includes decks, additions, etc.

Supervisor Scammell asked if it's heavier during the better months.

Ralph Lamson said yes.

Supervisor Scammell said so it would actually be about 100 permits over a 9-month period.

Ralph Lamson said several zoning issues have been cleaned up. 3 cases went to court which the Town was successful on. They are all ACD for at least 6 months.

Supervisor Scammell asked about Mr. May.

Ralph Lamson said the judge gave him until sometime next spring to get the trailer back across the water from the island when the water freezes up.

Supervisor Scammell asked if he plans to pursue any action.

Councilman Knapp believes he had 30 days to appeal the decision which has expired.

- **Written Report for August.**
- **Junk vehicle status (attached spreadsheet).**
 - a) **Prioritized spreadsheet listing.**
 - b) **Route 91.**
 - c) **LaFayette Road, 1/2mile North of Route 20. Abandoned auto on east side.**

2) Dog Control: Jon Rogers, Sue Snavlin & Madeline Despres.

Sue Snavlin said it's been very quiet. She spoke to Captain Bronstad a couple of nights ago. He advised the couple that came before the Board with a dog problem that there is a process they must follow. She hasn't received any calls since then.

It was noted the couple has moved forward in filing their complaint.

Supervisor Scammell said the dog owners are due in court on October 6th.

3) Highway Superintendent: Leon Cook.

- **SPDES/MS4 Stormwater Phase II (see J. Dunkle list). Time & expense log.**
- **Drumm Road turnaround.**

Leon Cook said the last two weeks they have been doing a lot of ditching. It seems like an endless job this year. They have been mowing the parks. They finished mowing the roadsides for the third time around. They may do some more before the snow comes. They have finished building Morezak Rd. They put a gravel base in and 4" of run-a-crush on the top. They did the shoulders too. They oiled and stoned. It came out to be 550' including the turn-around that they had to oil and stone. They placed a slurry mix up at Applewood Estates which should last about 5 years. The day before he had this done, they broomed the road. Wednesday he has to go to the county meeting as they are going to talk a lot about the snow contract. The catch basin catching the run-off from Summerridge was almost full again. He needs to do some work up there.

Supervisor Scammell asked where all the run-off goes to eventually.

Leon Cook said it runs into the pipe which goes straight for about 700' before the water comes out. The Town owns the right-of-way to the end of the pipe. That is where the guys will be working while he is at the county meeting on Wednesday. The Town brings in \$102,340 for plowing the county roads. In order to plow our town roads, the Highway Dept. has to drive over the county roads anyway. As far as putting the plow down, it only costs a little more wear on the blade. What does cost is the

sand and the salt. If the county roads weren't plowed, everyone would be calling. It will be hard to get a big increase this year from the county

Supervisor Scammell asked if he knew how many miles the county pays individual municipalities for.

Leon Cook said he has this information somewhere. He will get it for him. The Town of LaFayette is one of them that plows the most miles.

Councilman Bailey said Scammell Road is still closed. He asked if Leon knew what was going on there.

Leon Cook said they still haven't gotten an answer from the higher ups on whether they can do an emergency repair. It looks like it could be closed for the winter.

Marshall Taylor said the other side actually is collapsing now.

Leon Cook knew about this. This same thing will happen on Route 11.

4) Justice: Malcolm Knapp & Maureen Perrin.

- **August Report.**

Supervisor Scammell noted they turned over \$35,395 to the town and heard 349 cases.

5) Library Director: Scott Kushner.

- **Reports & Library Board Minutes for May, June, August.**

- **Director Report July.**

Supervisor Scammell noted circulation continues to go up.

Councilmen McConnell moved and Knapp seconded the motion to accept the appointment of Virginia Collinson to the Library Board of Directors to complete the term of Cindy Henderson who is resigning.

Motion passed unanimously.

6) Recreation Director: Regina Reinschmidt.

7) Town Clerk: Mary Jo Kelly.

- **Written Report for August.**

8) Town Supervisor: Greg Scammell.

- **Written Report for August.**

Supervisor Scammell noted that 67% of the year is gone and 62% of the budget is spent.

- **Intermunicipal Cooperation & Consolidation.**

- **2005 Budget (new) items for review (JFD capital plan, Bailey Park pavilion, Town Signs (Signage Systems quote)).**

B. COMMITTEE (2nd Monday).

1) Communications & Technology.

a) **Town Website alternatives (Keep home grown, Digital Towpath, other) and location alternatives (town server, PAETEC, other). Need costs.**

b) **Email alternatives (Mike Forte – Kerio Mailserver 5.7.7 testing, AOL, PAETEC, other). Need costs & trial period/evaluations.**

c) **TOL web status (via email).**

2) Emergency Response.

a) **AEDs (Defibrillators).**

b) **LFD house numbers mailing.**

Supervisor Scammell said he thinks we should be sending a request in for the Town Offices, the Highway Dept., Stafford Park, etc.

The question was asked if the town could request an exemption from the cost since they paid for the mailing.

Ralph Lamson asked if they thought it was really necessary for the Town Offices to have a sign with their address out front as there is already a sign stating LaFayette Commons.

Supervisor Scammell said it could be someone responding from another municipality. He doesn't think we have a number posted at the Community Center. He would think Stafford Park should have one in case someone were injured there. It should be put near the entrance.

The Beach was suggested as well as the Ropes Course.

Marshall Taylor said traditionally they haven't put house numbers on vacant lots.

Councilman Bailey asked if this was for all roads.

Leon Cook said yes. Niagara Mohawk has a policy now that they won't hook up power until you have a house number.

Marshall Taylor said he has a question regarding Summerridge. At the end of Summerridge is a road named Naomi which will never connect with the existing Naomi Road. 911 wants to know how they should respond to a call on Naomi Rd.

Leon Cook said this portion of Summerridge will have to be renamed. The number's aren't really going to work good on mailbox posts. The numbers are placed on the posts going up and down. He thinks the snow will cover the lower numbers up.

Councilman Bailey asked if the L.F.D. had talked with Leon Cook regarding the setbacks for the plows.

Supervisor Scammell will pass the following questions on to Greg Hoxie: the height of the posts and the setbacks.

Marshall Taylor said the post office requires everyone to have their house number on their mailboxes.

Supervisor Scammell will discuss the Board's concerns with the L.F.D.

3) **Employee Policies & Benefits.**

4) **Environmental & Conservation Advisory Board.**

- **Forest Tent Caterpillar & Gypsy Moth – Informational meeting to be scheduled, Feb., 2005.**

5) **Highway.**

6) **Physical Plant.**

- **LaFayette Commons/Library: Leaking over library circulation desk. Clay Smith report. Resheet rock when complete.**

Councilman Knapp said he put Fred Groth on hold until we heard back from Clay Smith. It sounds like the two plans are pretty similar. He will contact Fred to give him the go ahead on this.

LaFayette Commons/Library: Heat tape to be installed in valley over library entrance.

- **LaFayette Community Center: Insulate or heat tape over the kitchen area to prevent ice buildup.**

7) **Recreation & Youth.**

a) **Bailey Park.**

- **Charcoal grills. Sources and prices – budget time.**
- **Pavilion (deferred until budget time).**

b) **LaFayette Beach.**

- **Survey/transfer LaFayette Beach from LCC to town.**
- **Options for limiting vandalism (lighting, etc.).**
- **Options for noise control from lacrosse box – reinforced panels.**

c) **Stafford Park.**

- **Tennis court renovation.**

Councilman Knapp said they look really nice. They put the new tennis net up while they were lining the court to be sure everything lined up O.K. It will come back down. People were playing basketball down there while it was up with no problem.

Councilman McConnell said the outlining of the basketball court must be completed down the road. He met with Dr. MacDaniel who will be forwarding the total amount of the fence. The total bill should be in the mail.

- **Lacrosse facility – estimates, (re)location possibilities.**

8) **Safety.**

9) **Senior Transportation & Housing.**

- **Grant from Assemblyman Jeff Brown. Application in process.**

10) **Service Awards.**

- **PERMA Volunteer Firefighter questionnaire. Follow-up.**

11) **SOTS & OCRRA Liaison.**

12) **Water.**

- **U.S. Army Corps of Engineers/Jamesville Reservoir – Preliminary Restoration Plan complete, seeking nonfederal (NYSDEC) sponsor for \$6M.**
- **Village of East Syracuse Water District.**

13) **Zoning Review.**

a) **Simple/small subdivision Guidelines – Under Review.**

- **PB/ZBA/CEO/CCF input.**
- **TB review.**
- **Fee schedule.**
- **NYS Comptroller's opinion (what constitutes a subdivision?).**

b) **Ad hoc committee for Review of Planning and Development processes (form letter complete).**

c) **Corridor Plan.**

d) **Digitized zoning map.**

8. **LITIGATION & OTHER LEGAL MATTERS.**

A. People v. Claire Watson.

- **DeWitt Court, 9.21.04.**
- **A & M letter.**

Supervisor Scammell said the letter from Ag. & Markets is being reviewed. There will be a meeting with Steve Beggs, Ralph Lamson, John Langey and himself.

B. LaFayette Hotel/Mr. Muraco's project at the four corners & DEC septic approval (engineering study complete).

C. Private property tax exemptions (Section 459). Other local municipal laws

10. **UNFINISHED BUSINESS & ACTIVE PROJECTS.**

**TOWN OF LAFAYETTE
RESOLUTION TOWN BOARD MEETING**

The following resolution was offered by Councilman Knapp, who moved its adoption, seconded by Councilman Bailey, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law entitled Local Law No. 3 of 2004, "A Local Law Providing for a Real Property Tax Exemption in Accordance with New York State Real Property Tax Law '459" in the Town of LaFayette, was presented and introduced at a regular meeting of the Town Board of the Town of LaFayette held on September 13, 2004; and

WHEREAS, a public hearing was held on such proposed local law on this 27th day of September, 2004 by the Town Board of the Town of LaFayette and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of LaFayette in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. 3 of 2004.

NOW, THEREFORE, it is

RESOLVED, that the Town Board of the Town of LaFayette, Onondaga County, New York, does hereby enact Proposed Local Law No. 3 of 2004 as Local Law No. 3 of 2004 as follows:

**TOWN OF LAFAYETTE
LOCAL LAW 3-2004**

**A Local Law Providing for a Real Property Tax Exemption
in Accordance with New York State Real Property Tax Law ' 459**

Be it enacted by the Town Board of the Town of LaFayette, as follows:

Section 1. Purpose and Intent

New York State Real Property Tax Law ' 459 allows local municipalities to establish a category of tax exemption for improvements to residential real property that facilitate and accommodate the use and accessibility of the real property for persons who are physically disabled. The State Law sets forth specific parameters for persons to qualify for such an exemption, as well as directions to municipalities as to the application of the Law. The Town Board of the Town of LaFayette desires to enact a local law in accordance with the State Law permitting qualified residents to receive this tax exemption.

Section 2. Scope of the Exemption

An improvement to any real property used solely for residential purposes as a one, two or three family residence shall be exempt from taxation as provided for in New York State Real Property Tax Law ' 459 to the extent of any increase in value attributable to such improvement if such improvement is used for the purpose of facilitating and accommodating the use and accessibility of such real property by (a) a resident owner of the real property who is physically disabled, or (b) a member of the resident owner's household who is physically disabled, if such member resides in the real property.

Section 3. Prior Improvements

Improvements constructed prior to the effective date of this local law shall be eligible for the real property tax exemption made available herein.

Section 4. Qualification and Grant of Exemption

No exemption shall be granted pursuant to this law unless an application for the exemption is submitted and approved in accordance with all requirements of New York State Real Property Tax Law § 459.

Section 5. Effective Date

This local law shall take effect upon its filing with the New York Secretary of State. The question of the foregoing Resolution was duly put to a vote and, upon roll call, the vote was as follows:

Gregory Scammell	Supervisor		Voted		Yes
Sandra Smith	Councilwoman	Voted		Yes	
David Knapp	Councilman		Voted		Yes
Thomas Bailey	Councilman	Voted		Yes	
William McConnell	Councilman		Voted		Yes

The foregoing Resolution was thereupon declared duly adopted.

**TOWN OF LAFAYETTE
RESOLUTION TOWN BOARD MEETING**

The following resolution was offered by Councilman Knapp, who moved its adoption, seconded by Councilwoman Smith, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law entitled "AA Local Law Imposing a Surcharge pursuant to Vehicle and Traffic Law Section 1809-D in the Town of LaFayette", was presented and introduced at a regular meeting of the Town Board of the Town of LaFayette held on September 13, 2004; and

WHEREAS, the SEQR review for this action was completed at this Board's September 13, 2004 meeting the Board having determined this to be a Type II action; and

WHEREAS, a public hearing was held on such proposed local law on this 27th day of September, 2004 by the Town Board of the Town of LaFayette and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of LaFayette in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. 4 of 2004.

NOW, THEREFORE, it is

RESOLVED, that the Town Board of the Town of LaFayette, Onondaga County, New York, does hereby enact Proposed Local Law No. 4 of 2004 as Local Law No. 4 of 2004 as follows:

**TOWN OF LAFAYETTE
LOCAL LAW NO. 4-2004**

A Local Law Imposing a Surcharge Pursuant to

Vehicle and Traffic Law Section 1809-D

Be it enacted by the Town Board of the Town of LaFayette, as follows:

Section 1. Purpose and Intent

The purpose of this local law is to impose a local surcharge on convictions rendered in the Town Justice Court pursuant to the enabling authority of section 1809-D of the Vehicle and Traffic Law, as added by Chapter 56 of the Laws of 2004.

Section 2. Local Surcharge for Traffic Violations

For convictions rendered in the Town of LaFayette Justice Court for violations committed between the effective date of this local law and September 1, 2005, which convictions are subject to a mandatory surcharge imposed pursuant to 1809 of the Vehicle and Traffic Law, there shall be an additional surcharge of ten dollars (\$10.00) per violation.

Section 3. Payment to Clerk of Court; Disposition of Surcharge

The surcharge authorized by subdivision one of this section shall be paid to the clerk of the court that rendered the conviction. Within the first ten days of the month next succeeding the collection of such surcharge, the court shall pay the surcharge upon application to the chief fiscal officer of the town which imposed such surcharge. Such chief fiscal officer shall require such proof as is necessary in order to determine whether a refund is required by law.

Section 4. Refunds.

Any person who has paid a surcharge authorized by this section which is ultimately determined not to be required by this section shall be entitled to a refund of such surcharge upon application to the chief fiscal officer of the town which imposed such surcharge. Such chief fiscal officer shall require such proof as is necessary in order to determine whether a refund is required by law.

Section 5. Effective Date.

This local law shall take effect upon its filing with the New York Secretary of State.

The question of the foregoing Resolution was duly put to a vote and, upon roll call, the vote was as follows:

Gregory Scammell	Supervisor		Voted	Yes
Sandra Smith	Councilwoman	Voted	Yes	
David Knapp	Councilman		Voted	Yes
Thomas Bailey	Councilman	Voted	Yes	
William McConnell	Councilman		Voted	Yes

The foregoing Resolution was thereupon declared duly adopted.

A. Time-Warner Cable TV franchise renewal.

- Franchise expansions – 3 miles in the last 12-18 months.
- Richard Strong special report on 11.8.04.

A representative of Time Warner will be coming 11/8/04 to talk to the Board.

B. Speed limit reduction requests.

- **Route 91 appeal (awaiting NYSP study requested by Sen. John De Francisco).**

C. Cram Communications, WVOA-AM towers.

- **Engineering study performed by Cram to be reviewed by independent consultant, pertaining to impact on Groth Road Communications Tower.**
- **Detuning costs responsibility.**

D. Zone change request for Route 20 & Tully Valley Extension (referred to PB).

E. ZBA request for mobile home inventory, including status.

F. Other.

10. NEW BUSINESS.

A. Councilor McConnell: Strategic Plan survey proposal.

Councilman McConnell would like to propose either the Board move on this or it doesn't. The proposal is to come up with a strategic plan using two methods. One would use the offer from S.U. and the other would be to form a committee with representatives of residents in the Town, the Town Board and the Zoning Board of Appeals.

Supervisor Scammell has the same questions he has stated before.

Councilman McConnell would move that we go forward with the strategic plan.

Councilman Bailey asked the cost factor.

Councilman McConnell said nothing. The committee work would be strictly volunteer.

Supervisor Scammell asked what the original problem would be viewed as.

Councilman McConnell said this would provide a continuation to the 1991 plan.

Supervisor Scammell still isn't clear on this.

Councilman Knapp seconded the above motion. He doesn't see a downside to this as long as the costs aren't something we will have to deal with.

Voting was as follows:

Supervisor Scammell	Nay	
Councilwoman Smith	Nay	
Councilman Knapp		Aye
Councilman Bailey		Aye
Councilman McConnell	Aye	

Motion carried.

Councilman McConnell said he would put together something for the Board to review after the budget cycle is completed.

B. Expansion of LaFayette Commons II: 2571 Route 11 – staking of proposed expansion (25' side yard variance).

This was discussed earlier in the meeting.

Councilman Knapp moved and Councilwoman Smith seconded the motion to send a letter from the Town Board to the Zoning Board of Appeals stating the Town Board take no position on this and is not opposed to it. Motion passed unanimously.

C. Other.

The Board took a short recess. They recessed at 7:54 p.m. and Supervisor Scammell called the Meeting back to order at 8:05 p.m.

Marshall Taylor wished to speak on the PILOT Program. There is no dollar value on the roll for this property. The taxes go to Tom Chartrand and he distributes them to the county, school and town. If the Board lowers their payment, the owner would see a savings instantly.

Councilman McConnell said the PILOT doesn't expire until 12/31/04.

Marshall Taylor said if the Town Board is planning to do something to change this, the owner could see a change right now, otherwise, he would have to wait until the existing PILOT expires. The way it is today, his taxes are going down next year.

Tom Chartrand said the PILOT Program is based on the current years taxes which are due in January. He has already paid for this year just as the resident's have. They make 2 payments, The first one is a down payment. When their books are closed and they know their profit, they make another payment of what is actually owed. His first payment in 2005 would be subject to the new rules. It's the same process as your tax payments.

Marshall Taylor asked if he pays the school amount on 1/31.

Tom Chartrand said the PILOT is his county, town and school taxes. He makes a payment on 1/31 of \$12,500. We allow him until 3/1 to have his books closed and for a remaining amount he is suppose to pay.

Councilman McConnell said next April in 2005, he will owe the 15% on the 2004 revenue.

Supervisor Scammell will have Kevin Gilligan review this and determine what the payment is based on next year. He thinks they are asking to get the decrease a year earlier. He will have Kevin do a quick recap.

The Board moved back to discussing the Budget items from the earlier meeting.

Physical Plant:

Tom Chartrand said Herb Salladin is happy with what he was paid this year.

Environmental Board:

\$400 is requested to repair the flower boxes.

Safety Officer:

Requests everything remain the same.

Accounting:

Tom Chartrand is requesting a slight increase.

Councilman McConnell asked what he bases the 5% on.

Tom Chartrand said mostly he bases it on the payroll. He tries to keep himself at about 4% of the payroll he prepares. He tries not to get too much below this as that is what most companies charge for this service. The payroll has increased so he is trying to keep himself at a vary reasonable rate. He doesn't charge anything extra for copies unless it's something extreme.

Town Board:

Councilman Bailey said it doesn't really make too much difference to him. He would like to change his request from the town rate to no increase. He will go with whatever the majority of the Board decides to do.

Supervisor Scammell noted there are some more expenses. Mike Forte currently is running our website at a server out of his home or somewhere. Mike has implied he will not be doing this forever. There is a notion we might take the items we have on the website and put them on a server at the Town Offices. Mike has indicated this is not that difficult to do. He's been good about this. The way to go with it is to have a server at the Town Offices.

Marshall Taylor said he has researched this. He spoke to Tom Chartrand about a server. For the last 2 years he has been putting money in for equipment. Mike Forte has done an excellent job but would like to move on. He has several files in his office which are huge which we need to get to a server so everyone can have access to them. There is no way to back up these huge files. He would encourage the Board to get a server for files only. He would not recommend it be used for email. Ralph Lamson and Regina Reinschmidt would like to have email addresses. We can get on Paetec or Digital Towpath and have 10 emails for the same price we are paying now. There would be a significant savings a year. He would recommend Digital Towpath.

Councilman McConnell asked if that service would provide the maintaining of the website and would also provide any changes to the website.

Marshall Taylor said that is correct.

Councilman McConnell asked if there was any date on the hits the existing site gets.

Marshall Taylor thinks it would be less than 100.

Councilman McConnell believes a website would be great. He asked if the server would be wide-band.

Marshall Taylor said yes.

Councilman McConnell believes if we don't have a backup system here, we are being remiss.

Marshall Taylor said right now with the size of the files, there's no way to back them up.

Supervisor Scammell asked about a file server in the office.

Marshall Taylor said he got one price of about \$4,000. He is recommending we lease for 4 years. He has enough in his budget to cover it for this year and next year. There would be an initial setup fee of a couple of hundred bucks. We can hook the Xerox up to the server too.

Supervisor Scammell said for budget purposes, we would be looking at \$2,000. he will call Digital Towpath to see the cost to move information and he will also talk to Mike Forte about it.

Supervisor Scammell said another item the Board needs to discuss is the grills for the parks. They have been requested for Bailey Park and the ballfields behind the LaFayette Inn. The styles and prices were discussed. It was decided the grills could cost around \$250 each. Two were requested for Bailey Park and two for the ballfields behind the LaFayette Inn.

Councilman McConnell said he heard the grills at Stafford Park need to be repaired.

Supervisor Scammell said if the Board decided to purchase 6 grills, it would be about \$1,500.

Tom Chartrand will add this into the budget numbers.

Councilman Bailey said if the dollars end up not being there, we could do 3 grills this year and 3 next year.

Councilman McConnell asked if Jim Nakas gave any dimensions for the pavilion they are requesting for Bailey Park.

Councilman Knapp would think it would be one like Jack's Shack.

Councilman McConnell would use Jack's Shack as a template and see if someone locally could build it.

Tom Chartrand asked if the youth group could build it.

Councilwoman Smith said the YCIP does it for the cost of materials.

Councilman McConnell will look into the cost of materials for one the size of Jack's Shack.

Supervisor Scammell said maybe something should be put into the budget for wildlife trapping like we had to do this year. It was decided to add \$500 into the budget to cover this.

Town Signs:

Supervisor Scammell said the price we had before was \$2,200 per sign. If we were to get two for Route 20 and two for Route 11, it would be \$8,800 and some additional money to install them which would bring them to about \$10,000.

Councilman Knapp said that was the original thought and more could be added down the road.

Councilman McConnell said one of the things Steve Evans brought up was that these signs can be changed and added to.

Supervisor Scammell said if you cram too much onto the sign, no one can read it.

Tom Chartrand will add \$7,000 into the budget for signs.

Copier:

Supervisor Scammell asked what a new copier would cost.

Tom Chartrand said \$11,000 - \$12,000.

Supervisor Scammell said if we bought a new copier and shifted the copier in the office to the Justice Dept. they said it would provide a lot more services than what they need. If we trade in all 3 of the Xerox copiers we could purchase table top copiers for \$200 – \$300 for a single sheet copier. He was thinking of purchasing one like that for the Justice Dept. If they have higher needs, they could come use the Town Office copy machine.

Tom Chartrand thinks you could get one with a feeder for \$700 - \$800.

Supervisor Scammell asked how much the maintenance agreement on the Community Center copier costs us.

Tom Chartrand said \$500/year.

Supervisor Scammell said he doesn't think there have been any service calls on it. We could take the old fax machine and give it to them to make a copy if they needed one. We could cancel the copier maintenance contract for the one at the Community Center. When the copier dies, they can have the old fax machine for a copier.

Councilman Knapp said or trade it in while it's still worth something. We could trade in 3 machines for 2. We could get a high-yield one for the Town Office and a low-yield one for the Justice Dept.

Tom Chartrand said if the Town Board allows the server, they could send stuff to the main copier. If you are going to have a contract, you need to buy it from someone other than Staples.

Councilman Knapp said if we pay \$700-\$800 for it, why do we care about a service contract.

Supervisor Scammell said we can keep the service contract until we can't have it anymore. If we trade it in, a non-Xerox company may not want it.

Tom Chartrand said you could probably advertise the old copier as surplus.

Councilman Knapp said maybe we could put it in a corner and trade it in a couple of years when we want to trade the big one in.

It was decided \$1,000 should cover the copier for the Justice Dept.

A printer for the Historian was discussed.

Tom Chartrand said she donated a computer to the Historical Office at the Community Center and needs to purchase a printer for it.

Picnic tables for the parks were discussed.

Councilman Knapp would recommend the folding tables like at Sam's. They are metal picnic tables. He will check on the price of them.

Various building expenses were reviewed.

Supervisor Scammell said we donated \$1,000 to Southern Hills Preservation last year. They are getting seriously hit by the state this year.

Councilman McConnell asked how we can donate money to a non-profit organization.

Tom Chartrand said because they write grants for the town when requested. They provide us a service that we don't have to do in-house.

Councilman McConnell asked if we have any numbers on how much money flows into LaFayette from them.

Supervisor Scammell said she has given us this information before. They have been very very good to us. Whenever he has called her about grant writing, she has produced.

Councilman McConnell asked who supplies the majority of their funding now that they will be cut.

Supervisor Scammell doesn't know what they will do.

It was decided \$2,000 would be added to the budget for Southern Hills Preservation.

Councilman Knapp said it could be jumped up to \$2,500 and we could back it down if we need to.

Councilman McConnell believes this could be a starting point.

Councilman Bailey and Councilwoman Smith said they would go to \$2,000.

Councilman McConnell said we might want to make a donation to Outreach too.

Jamesville Fire District's request was discussed.

11. Suggestions for improvement & positive contributions.

There were none.

12. Councilman Knapp moved and Councilwoman Smith seconded the motion to audit and pay the following bills:

HIGHWAY FUND

1954 – 1961

GENERAL FUND	# 1925 – 1953
SPECIAL DISTRICT FUND	# 1962
TRUST & AGENCY FUND	# 1963 – 1969

Motion passed unanimously.

13. Executive session (as needed).

**14. Councilman Knapp moved and Councilwoman Smith seconded the motion to adjourn.
Motion passed unanimously.**

The Town Board Meeting adjourned at 9:34 p.m.

Respectfully submitted,

Mary Jo Kelly
Town Clerk

Correction:

Page 7 – Highway Report. It should read slurry was placed up at Applewood Estates rather than refer to Morezak Road.